

PETER C. WOLFF, JR. #2332
Federal Public Defender
District of Hawaii

ALEXANDER SILVERT
First Assistant Federal Defender
300 Ala Moana Boulevard, Suite 7104
Honolulu, Hawaii 96850-5269
Telephone: (808) 541-2521
Facsimile: (808) 541-3545
E-Mail: alexander_silvert@fd.org

Attorney for Defendant
DWAYNE AHAKUELO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Cr. No. 02-00272 DAE
)	
Plaintiff,)	STIPULATION AND ORDER
)	REDUCING SENTENCE TO TIME
vs.)	SERVED PURSUANT TO NEW
)	SENTENCING GUIDELINE
DWAYNE AHAKUELO,)	AMENDMENT
)	
Defendant.)	
_____)	

**STIPULATION AND ORDER REDUCING SENTENCE PURSUANT
TO TIME SERVED NEW SENTENCING GUIDELINE AMENDMENT**

IT IS HEREBY STIPULATED AND AGREED by and between the
parties herein that, pursuant to 18 U.S.C. § 3582(c), the defendant's sentence of 33

months incarceration, imposed on April 16, 2008, is reduced to TIME SERVED.

All other provisions of the sentence imposed on April 16, 2008, remain unaltered.

The defendant, DWAYNE AHAKUELO, is currently serving a term of imprisonment for an offense involving cocaine base (crack). Mr. Ahakuelo is currently incarcerated at Mahoney Hale and was contacted by counsel by phone after the Court appointed counsel. Mr. Ahakuelo consents to counsel entering into this stipulation.

Mr. Ahakuelo's original sentence was reduced to 33 months by the Court on April 16, 2008. The parties herein stipulate that Mr. Ahakuelo's sentence be further reduced to TIME SERVED.

The United States Sentencing Commission lowered many guidelines ranges for crack cocaine defendants on November 1, 2007. See U.S.S.G. Appendix C, Amdt. 706. The amendment was made retroactive. See Amendment 706.

The parties agree that Mr. Ahakuelo is eligible for a reduction of his sentence by retroactive application of Amendment 706 pursuant to § 3582(c) and U.S.S.G. policy statement § 1B1.10. Given that the parties agree that Mr. Ahakuelo is eligible for a reduction pursuant to the new amendment, the parties agree that Mr. Ahakuelo should be resentenced to TIME SERVED.

Wherefore, the parties agree that the Court impose a sentence of
TIME SERVED.

IT IS SO STIPULATED:

DATED: Honolulu, Hawaii, April 29, 2008.

/s/ Alexander Silvert
ALEXANDER SILVERT
Attorney for Defendant
DWAYNE AHAKUELO

/s/ Chris Thomas
CHRIS THOMAS
Attorney for Plaintiff
UNITED STATES OF AMERICA

IT IS APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, April 30, 2008.





David Alan Ezra
United States District Judge

UNITED STATES v. DWAYNE AHAKUELO

Cr. No. 02-00272 DAE

STIPULATION AND ORDER REDUCING SENTENCE TO TIME SERVED
PURSUANT TO NEW SENTENCING GUIDELINE AMENDMENT